

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	1:16-cv-03088-ELR
STATE OF GEORGIA,)	
)	
Defendant.)	
)	

**UNITED STATES’ MOTION FOR LEAVE TO FILE RESPONSE TO
DEFENDANT’S NOTICE OF SUPPLEMENTAL AUTHORITY AND
INCORPORATED MEMORANDUM IN SUPPORT**

The United States of America moves this Court for leave to file a response to Defendant State of Georgia’s Notice of Supplemental Authority. ECF No. 492. Far from providing mere “notice” to the Court, Defendant’s filing consists of over seven pages of argument about the State’s reading and proposed application of the Supreme Court’s decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. ____, 144 S. Ct. 2244 (2024), to motions fully briefed, argued, and pending before this Court in this action. The State’s filing is therefore, in substance, supplemental briefing without leave of the Court. *Cf.* Fed. R. App. P. 28(j) (allowing parties to appeals only 350 words for citations to supplemental authorities); LR 56.1(A), N.D. Ga. (“In accordance with LR 7.1(C), the parties shall not be permitted to file

supplemental briefs and materials, with the exception of a reply by the movant, except upon order of the Court.”).

Therefore, the United States seeks leave of this Court to file its response to the State’s filing, attached hereto as Exhibit 1, which briefly outlines the United States’ position on some of the substantive arguments leveled by the State. Should the Court determine that the Supreme Court’s recent decision in *Loper Bright* warrants further consideration, the United States respectfully requests that the Court order more fulsome supplemental briefing on that issue. A proposed order is attached for the Court’s consideration.

Dated: July 19, 2024

Respectfully submitted:

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UNITED STATES OF AMERICA,

PLAINTIFF,

v.

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DEFENDANT.

Civil Action No.

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Certificate of Compliance

I hereby certify, pursuant to Local Rules 5.1 and 7.1D, that the foregoing motion has been prepared using Times New Roman, 14-point font.

July 19, 2024

/s/ Laura C. Tayloe

LAURA C. TAYLOE

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF GEORGIA ATLANTA DIVISION**

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

STATE OF GEORGIA,

DEFENDANT.

Civil Action No.

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Certificate of Service

I served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

July 19, 2024

/s/ Laura C. Tayloe

LAURA C. TAYLOE